REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-27, 29, 30, 32, 33, 35, 36 and 38-40 remain pending. Claims 1-27, 29-30, 32-33, 35-36 and 38-40 have been rejected.

Claims 1, 8, 15, and 21 have been amended. No claims have been cancelled. No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

Applicant reserves all rights with respect to the applicability of the Doctrine of Equivalents.

The Examiner has rejected claims 1-7, 15-20, 21-26, 33-35 and 39 under 35 U.S.C. § 101.

Without agreeing with the Examiner's rejection, applicant has amended claim 1 to include sending the proxy to a display <u>device</u>; displaying, <u>by the display device</u>, the proxy of the frame during the rendering the modifications to the frame.

Therefore, applicant respectfully request the Examiner's rejection of claim 1, as amended, under 35 U.S.C. § 101 has been overcome.

Given that claims 2-7 and 39 depend from amended claim 1, applicant respectfully submits that the Examiner's rejection of claims 2-7 and 39 under 35 U.S.C. § 101 have been overcome.

Without agreeing with the Examiner's rejection, applicant has amended claim 15 to include "means for sending the proxy to a <u>display device</u> during the rendering and , <u>wherein the means for displaying includes the display device</u>".

Therefore, applicant respectfully request the Examiner's rejection of claim 15, as amended, under 35 U.S.C. § 101 has been overcome.

Given that claims 16-20 depend from amended claim 15, applicant respectfully submits that the Examiner's rejection of claims 16-20 under 35 U.S.C. § 101 have been overcome.

With respect to claims 21-26 and 34-35, without agreeing with the Examiner's rejection, applicants have removed "that may be embodied as data signals in a carrier wave" from paragraph 3 of page 36 of the specification.

Therefore, applicant respectfully submits that the Examiner's rejection of claims 21-26 and 34-35 under 35 U.S.C. § 101 have been overcome.

Claims 1-27, 29-30, 32-33, 35-36 and 38-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Adobe After Effect Version 4.0 of 07/15/1999 ("After-Effects") in view of U.S. Patent No. 5,919,249 to Herbstman et al. ("Herbstman").

The Examiner stated that "it needs to be shown whether Adobe After Effect discloses "the displaying the proxy of the frame during the rendering the modifications to the frame." (Office Action, p. 20-p.21, 02/18/09).

After-Effects discloses creating a proxy of the original footage (p. 9). In particular, After-Effects discloses the following:

> When you use the ActHIR.mov file in a composition, After Effects will use the proxy for display. Effects and properties applied to the proxy are applied to the actual footage when the movie is rendered with **Use No Proxies** selected from the Proxy Use menu in the Render Settings dialog box. Even though the proxy is 512x384, it behaves as if it's 2048 x 1536 in the composition.

(After-Effects, page 12, lines 1-4) (emphasis added)

Thus, After-Effects discloses that when the ActHIR.mov file is used in a composition, the proxy of the ActHIR.mov file is used for the display. Thus, After-Effects discloses using the proxy of the file for the display when the ActHIR.mov file is used in a composition. In contrast, amended claim 1 refers to displaying, by the display device, the proxy of the frame during the rendering the modifications to the frame. After-Effects does not disclose automatically creating a proxy of the frame while rendering modifications to the frame, the proxy including a

simulation of the modifications, wherein the creating the proxy includes simulating the adding of the edit feature to the frame; sending the proxy to a display device; <u>displaying</u>, by the display device, <u>the proxy of the frame during the rendering the modifications to the frame</u>, as recited in amended claim 1.

Herbstman, in contrast, discloses "The composition is rendered according to the user-selected render settings to create master frames. The master frames are transformed according to each output format definition to create formatted frames in the selected output format" (Abstract). In particular, Herbstman discloses the following:

> Output sub-system 303 generates a formatted frame 323 from the master frame for each output format definition 310 designated. The formatted frames are stored in corresponding output files 324. In one embodiment, the render process is accomplished serially. A single master frame is produced according to the render settings and stored in the master frame buffer. Thereafter a formatted frame is produced from the master frame according to each output format definition. When the last formatted frame has been produced, the master frame buffer is cleared, and the render settings are used to create the next master frame in the sequence. Alternatively, the render process may be accomplished in parallel, in a system which operates more than one processor at a time. <u>Specifically, the creation of formatted frames from the master frame based on the output format definitions may be performed in parallel once the rendering subprocess is complete</u>.

(Herbstman, col. 6, lines 31-47)(emphasis added)

Thus, Herbstman discloses creating formatted frames from the master frame in parallel based on output format definitions once the rendering is complete. Herbstman fails to disclose, teach, or suggest <u>automatically creating a proxy of the frame while rendering modifications to the frame</u>, the proxy including a simulation of the modifications, wherein the creating the proxy includes simulating the adding of the edit feature to the frame; sending the proxy to a display device; <u>displaying</u>, by the display device, <u>the proxy of the frame during the rendering the modifications to the frame</u>, as recited in amended claim 1.

Furthermore, even if After-Effects and Phillips were combined, such a combination would still lack automatically creating a proxy of the frame while rendering modifications to the frame, the proxy including a simulation of the modifications, wherein the creating the proxy includes simulating the adding of the edit feature to the frame; sending the proxy to a display device; displaying, by the display device, the proxy of the frame during the rendering the modifications to the frame, as recited in amended claim 1.

Therefore, applicant respectfully submits that claim 1, as amended, is not obvious under 35 U.S.C. § 103(a) over After-Effects in view of Herbstman.

For at least the same reasons as set forth above with respect to amended claim 1, applicant respectfully submits that claims 27, 29-30, 32-33, 35-36 and 38-40 are not obvious under 35 U.S.C. § 103(a) over After-Effects in view of Herbstman.

Claims 1-27, 29-30, 32-33, 35-36 and 38-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over After-Effects in view of U.S. Patent No. 6,215,485 to Phillips ("Phillips").

As set forth above, amended claim 1 requires determining whether a frame of the time based stream of information requires a modification, if it is determined that the frame requires modification, automatically creating a proxy of the frame, sending the proxy to the display and displaying the proxy; and if it is determined that the frame does not require the modification, displaying the frame of the time based stream of information.

After-Effects discloses the following:

When you use the ActHIR.mov file in a composition, After Effects will use the proxy for display. Effects and properties applied to the proxy are applied to the actual footage when the movie is rendered with **Use No Proxies** selected from the Proxy Use menu in the Render Settings dialog box. Even though the proxy is 512x384, it behaves as if it's 2048 x 1536 in the composition.

(After-Effects, page 12, lines 1-4) (emphasis added)

Thus, After-Effects discloses that when the <u>ActHIR.mov file</u> is used <u>in a composition</u>, the <u>proxy of the ActHIR.mov file</u> is used for the display. In contrast, amended claim 1 refers to determining whether a frame of the time based stream of information requires a modification, and if it is determined that the frame requires modification, automatically creating a proxy of the frame, sending the proxy to the display and <u>displaying the proxy during the rendering the modifications to the frame</u>; and if it is determined that the frame does not require the modification, displaying the frame of the time based stream of information. After-Effects does not disclose such limitations of amended claim 1.

Phillips, in contrast, discloses storing effects descriptions from a nonlinear editor using field chart and/or pixel coordinate data for use by a compositor, and also fails to disclose the discussed above limitations of amended claim 1.

Thus, neither After-Effects, nor Phillips discloses such limitations of amended claim 1.

Furthermore, even if After-Effects and Phillips were combined, such a combination would still lack determining whether a frame of the time based stream of information requires a modification, and if it is determined that the frame requires modification, automatically creating a proxy of the frame, sending the proxy to the display and <u>displaying the proxy during the rendering the modifications to the frame</u>; and if it is determined that the frame does not require the modification, displaying the frame of the time based stream of information.

Therefore, applicant respectfully submits that claim 1, as amended, is not obvious under 35 U.S.C. § 103(a) over After-Effects in view of Phillips.

For at least the same reasons as set forth above with respect to amended claim 1, applicant respectfully submits that claims 2-26, and 39-40 are not obvious under 35 U.S.C. § 103(a) over After-Effects in view of Phillips.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 022666 for any fee deficiency that may be due.

Respectfully submitted,

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